

10. WHO REPRESENTS YOU BEFORE US

A claimant may represent himself or herself or a claimant may be represented by a lawyer.

- Family members, friends, husband or wife, pastors, and doctors cannot represent claimants.
- Any employer that is a corporation must be represented by an attorney. An officer of a corporation cannot represent the employer.

In many cases the employer will be supplied an attorney by their insurance carrier. Claims defense is part of the insurance premium that the employer pays. However, there is no legal provision for an attorney to be appointed for the claimant.

11. SOME THINGS YOU MAY HAVE TO DO

Employers and claim administrators have the legal right to require a claimant to do certain things and give certain information. Among the things a claimant may have to do are:

- Appear at a hearing, if subpoenaed, to answer questions about:
 - details of the injury;
 - the claimant's health and medical history;
 - other matters related to the protest.
- Undergo an examination by a doctor or other expert selected by the employer.
- Sign a medical information release.
- Answer written questions (interrogatories).

Failure of any party to cooperate may result in the protest being decided against the non-cooperating party.

12. THE OFFICE OF JUDGES' DECISION

After the Time Frame has ended, we will send you an **Order Submitting Protest**. This notice will also include a list of all evidence that has been submitted to us by any party. ***It is very important that you review that list.*** If anything is missing from this list, you should immediately contact us at the phone number included on the notice.

We will then mail to you our decision on the protest. Our decision will explain our ruling and the basis for our ruling.

We try to get all our protests decided within 90 days of the Order Submitting Protest. The expedited claims are decided within 30 days of the hearing.

13. APPEAL RIGHTS

Whoever loses in our final decision has the legal right to appeal the decision to the Workers' Compensation Board of Review.

- **If you want to appeal, you must send a notice of appeal to:**

**Board of Review
P.O. Box 2628
Charleston, WV 25329**

- Notices of Appeal forms are available at our web site: www.wvinsurance.gov/oobj/
- Generally you may not submit new evidence to the Board of Review, so be sure to get to us everything you want considered within the Time Frame.

14. DO YOU STILL HAVE QUESTIONS?

You can contact our help line with your questions at:

- **304-558-0852 or 304-558-1686.**
- The persons who answer the help line can only explain general things about your claim. They cannot give you help on how to win your protest or give you advice on what evidence you should file.
- The Office of Judges website, www.wvinsurance.gov/oobj/, has helpful information including sections with forms, rules, descriptions of our processes and frequently asked questions and answers.

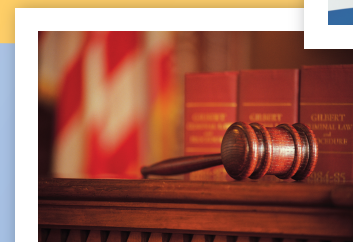


This brochure is merely a simple guide to our process. We have procedural rules that control the actual process. This brochure does not change nor overrule those procedural rules.

This brochure is not intended to replace professional legal advice. You may wish to consult with an attorney for advice or representation in any matter pending before the Office of Judges.

A Guide to Your Workers' Compensation Claim Appeal

**Office of Judges
Offices of the WV Insurance Commissioner**



**Office of Judges
Offices of the WV Insurance Commissioner**

**One Players Club Drive
P.O. Box 2233
Charleston, WV 25328**

**304.558.0852 or
304.558.1686**

www.wvinsurance.gov/oobj/

